

REMARKS

The Applicants thank the examiner for providing a close review of the application, and for the remarks in the Office Action.

Claims 1-23 are currently pending. Claims 1-11 have been withdrawn, claims 12-17 are original, and claims 18-23 are new. An amendment has been made to claim 13 to correct an obvious typographical error. New claims 18-23 are similar to claims 12-17, and receive support from the same original description identified below for claims 12-17. Thus, they do not introduce new matter.

In the Office Action dated December 19, 2003, the Examiner rejected claims 12-17 under 35 U.S.C. § 112 and 35 U.S.C. § 103, and objected to the drawings. The Applicants point out below why each rejection or objection should be withdrawn, and therefore request immediate allowance of all the pending claims. We will address each rejection in turn.

Information Disclosure Statement

The Examiner noted the Information Disclosure Statement filed December 11, 2001 is not contained in the application. Applicants note an Information Disclosure Statement was filed on October 18, 2001 and a Supplemental Information Disclosure Statement was filed on November 27, 2002. Thus, Applicants respectfully request return of an initialed copy of both of these PTO-1449 forms. For the Examiner's convenience, copies of the PTO-1449 form filed October 18, 2001 and November 27, 2002 are attached hereto. In addition, copies of the listed references can be resubmitted upon request.

Rejection under 35 U.S.C. § 112

The Examiner has rejected claims 12-17 under 35 U.S.C. § 112 as allegedly lacking in written description. However, the examiner admits that the claims here actually have word-for-word written description support in the Summary of the Invention. The written description support for the claims can appear anywhere in the application, and is not limited to the detailed description or the figures. Moreover, these are original claims; the applicant thus necessarily had

possession of the invention at the time of filing for purposes of complying with the written description requirement..

The examiner is apparently moved by the lack of an item in the drawings labeled "settlement computer." But the written description requirement does not require items in the claims to appear in the figures; rather, the description can appear anywhere in the "written description," as it does here. To the extent there might be any other requirement to include claimed features in the drawings, the present application meets such a requirement. In particular, the application provides extensive discussion of a payment manager (denoted 20 in the figures), and its many functions. *See, e.g.*, Application at page 10, line 24 to page 23, line 4. The application also discusses a central payment facility 292 that can track payments and settle accounts in an aggregated fashion to save money in settling transactions. *See, e.g.*, Application, page 32, line 19 to page 34, line 7. The application then notes that settlement computer 20 or the central payment facility 292 may be implemented on a computer, such as one or more servers, personal computers, laptops, etc. *See, e.g.*, Application, page 34, line 19 to page 35, line 25.

Thus, the written description support for the pending claims could not be clearer, and is replete throughout the specification as filed.

#### Objection to the Drawings

The Examiner's objection to the drawings follows from the section 112 rejection just discussed. For the reasons discussed above, there are no problems with the drawings. Specifically, Figure 1 shows a payment manager 20, and Figure 2 shows the payment manager 20 in detail. Also, figure 13 as amended shows a central payment facility 292. Figure 14 shows in detail the structure of a computer 300 that provides an exemplary structure for carrying out the processes described in the application.

#### Rejection under 35 U.S.C. § 103 Based On Cotton et al.

The Examiner has rejected claims 12-17 as obvious over Cotton et al. (USP 6,076,074). Claim 12 is the single independent claim of the group. It recites a system for settling a plurality

of outstanding payment transactions. The system comprises a settlement computer, a communication network, and a plurality of remote payment nodes corresponding to a plurality of remote payment parties connected by the communication network, the remote payment nodes enabling the remote users to receive payment information. The settlement computer aggregates payment information comprising payment values corresponding to individual transactions involving the plurality of remote payment parties, and it executes payments that are the net sum of the payment values for the plurality of remote payment parties. Thus, in this way, the system does not have to conduct a separate wire transfer or other similar operation for every single transaction, and can instead aggregate the many transaction into one transfer.

The Cotton et al. reference discusses a system that controls release and settlement of payments between and among participating financial institutions. *See* col. 15, lines 13-21. The reference focuses solely on payments, payment mechanisms, and the details of the mechanisms. The reference does not disclose any individual payment values that correspond to underlying individual transactions involving parties behind those transactions. Rather, in each example, the Cotton et al. reference simply talks of the payment, but provides no connection between that payment and any transaction or transactions with another party associated with the system. Moreover, the Cotton et al. reference does not show aggregation of payment information comprising payment values corresponding to individual transactions. Rather, the reference simply talks about the prior art wire transfer systems like those that the Applicants' instant application discussed and distinguished. *See* Application, page 1, line 20 to page 2, line 24. While the Cotton et al. reference makes mention of "netting," that process relates to settling of each user's account with the central system, but not to transferring funds based on aggregated payment information corresponding to transactions involving users of the system.

The examiner points to column 7 of the Cotton et al. reference, but the dicussion there is about the prior art, and not about any invention Cotton et al. may have developed. More importantly, the discussion in column 7 simply focuses on the details of certain funds transfer systems. The discussion says nothing about aggregating payment information comprising payment values corresponding to individual transactions, and executing payments that are the net

Applicant : Chenevich et al.  
Serial No. : 09/781,578  
Filed : February 12, 2001  
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Attorney's Docket No.: 11416-742001

sum of the payment values. Rather, the column notes: "*Each* transaction between Federal Reserve Banks results in a credit to the interdistrict settlement account of one Federal Reserve Bank and a corresponding debit to the other's." Col. 7, lines 60-63 (emphasis added). Thus, the reference discusses conducting a transfer for each transaction, not aggregation. While the reference mentions a bank's "net" position, such a position is simply in relation to the central system, and is not a result of the aggregation of values from particular transactions. Thus, column 7 does not fill in what is missing from the remainder of Cotton et al.

Enclosed is a check in the amount of \$164 for excess claim fees (\$54) and the Petition for Extension of Time fee (\$110). Please apply any other charges or credits to deposit account 06-1050.

Date: 4-19-04

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Respectfully submitted,

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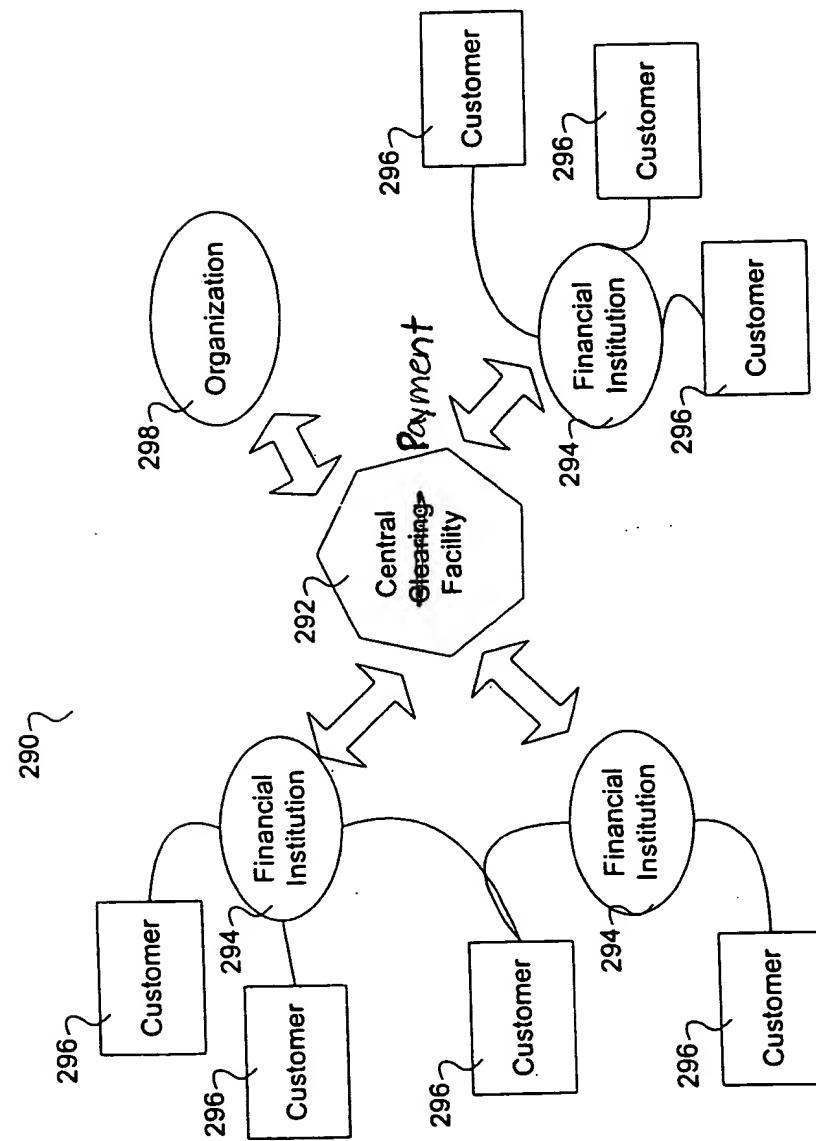


FIG. 13



Attorney's Docket No.: 11416-742001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Chenevich et al.  
Serial No. : 09/781,578  
Filed : February 12, 2001  
Title : PAYMENT MANAGEMENT

Art Unit : 2164  
Examiner : Unknown

Commissioner for Patents  
Washington, D.C. 20231

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SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Applicant submits copies of the references listed on the attached form PTO-1449. A copy of a communication from a foreign patent office in a counterpart application is also enclosed.

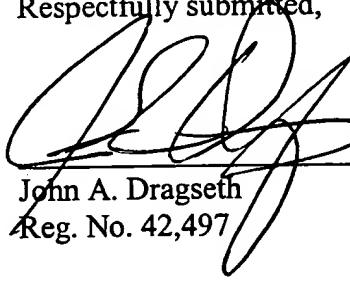
This statement is being filed within three months of the filing date of the application or before the receipt of a first Office action on the merits. Please apply any charges or credits to Deposit Account No. 06-1050.

Date: 11-27-02

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Sheet 1 of 1

Substitute Form PTO-1449 (Modified)		U.S. Department of Commerce Patent and Trademark Office		Attorney's Docket No. 11416-742001	Application No. 09/781,578
<b>Information Disclosure Statement by Applicant</b> <small>(Use several sheets if necessary)</small> <small>(37 CFR §1.98(b))</small>		Applicant Chenevich et al.			
		Filing Date February 12, 2001		Group Art Unit 2164	

<b>U.S. Patent Documents</b>							
Examiner Initial	Desig. ID	Patent Number	Issue Date	Patentee	Class	Subclass	Filing Date If Appropriate
	AA	6,070,150	05/30/00	Remington et al.			
	AB	2002/0032653	03/14/02	Schutzer			
	AC	2002/0046166	04/18/02	Kitchen et al.			
	AD	2002/0046167	04/18/02	Kitchen et al.			
	AE	2002/0046168	04/18/02	Kitchen et al.			
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	AL	2001-250070	09/14/01	Japan			Abstr.
	AM						
	AN						
	AO						
	AP						

<b>Other Documents (include Author, Title, Date, and Place of Publication)</b>		
Examiner Initial	Desig. ID	Document
	AQ	
	AR	
	AS	
	AT	

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Chenevich et al.  
 Serial No. : 09/781,578  
 Filed : February 12, 2001  
 Title : PAYMENT MANAGEMENT

Art Unit : 2164  
 Examiner : Unknown

Commissioner for Patents  
 Washington, D.C. 20231

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INFORMATION DISCLOSURE STATEMENT

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This statement is being filed within three months of the filing date of the application or before the receipt of a first Office action on the merits. Please apply any charges or credits to Deposit Account No. 06-1050.

Date: 10-18-01

Respectfully submitted,

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Sheet 1 of 2

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<b>Information Disclosure Statement by Applicant</b> (Use several sheets if necessary)		Applicant Chenevich et al.		
		Filing Date February 12, 2001	Group Art Unit 2164	
(37 CFR §1.98(b))				

U.S. Patent Documents							
Examiner Initial	Desig. ID	Patent Number	Issue Date	Patentee	Class	Subclass	Filing Date If Appropriate
	AA	4,114,027	09/12/78	Slater et al.			
	AB	4,270,042	05/26/81	Case			
	AC	4,305,059	12/08/81	Benton			
	AD	4,412,287	10/25/83	Braddock, III			
	AE	4,567,359	01/28/86	Lockwood			
	AF	4,713,761	12/15/87	Sharpe et al.			
	AG	4,725,719	02/16/88	Oncken et al.			
	AH	4,750,119	06/07/88	Cohen et al.			
	AI	4,799,156	01/17/89	Shavit			
	AJ	4,926,325	05/15/90	Benton et al.			
	AK	4,949,272	08/14/90	Vanourek et al.			
	AL	4,960,981	10/02/90	Benton et al.			
	AM	5,008,827	04/16/91	Sansone et al.			
	AN	5,025,372	06/18/91	Burton et al.			
	AO	5,040,132	08/13/91	Schuricht et al.			
	AP	5,043,908	08/27/91	Manduley et al.			
	AQ	5,077,694	12/31/91	Sansone et al.			
	AR	5,117,364	05/26/92	Barns-Slavin et al.			
	AS	5,153,842	10/16/92	Dlugos, Sr. et al.			
	AT	5,161,109	11/03/92	Keating et al.			
	AU	5,168,444	12/01/92	Cukor et al.			
	AV	5,175,416	12/29/92	Mansvelt et al.			
	AW	5,208,446	05/04/93	Martinez			
	AX	5,218,188	06/08/93	Hanson			
	AY	5,220,501	06/15/93	Lawlor et al.			
	AZ	5,222,018	06/22/93	Sharpe et al.			
	AAA	5,231,569	07/27/93	Myatt et al.			

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<b>Information Disclosure Statement by Applicant</b> <small>(Use several sheets if necessary)</small> <small>(37 CFR §1.98(b))</small>		Applicant Chenevich et al..	
		Filing Date February 12, 2001	Group Art Unit 2164

U.S. Patent Documents							
Examiner Initial	Desig. ID	Patent Number	Issue Date	Patentee	Class	Subclass	Filing Date If Appropriate
	ABB	5,285,383	02/08/94	Lindsey et al.			
	ACC	5,293,310	03/08/94	Carroll et al.			
	ADD	5,334,823	08/02/94	Noblett, Jr. et al.			
	AEE	5,334,824	08/02/94	Martinez			
	AFF	5,337,246	08/09/94	Carroll et al.			
	AGG	5,357,563	10/18/94	Hamilton et al.			
	AHH	5,393,963	02/28/95	Thomas et al.			
	AII	5,426,281	06/20/95	Abecassis			
	AJJ	5,440,634	08/08/95	Jones et al.			
	AKK	5,485,369	01/16/96	Nicholls et al.			
	ALL	5,631,821	05/20/97	Muso			
	AMM	5,666,493	09/09/97	Wojcik et al.			
	ANN	5,842,178	11/24/98	Giovannoli			
	AOO	5,878,141	03/02/99	Daly et al.			
	APP	5,910,896	06/08/99	Hahn-Carlson			

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Foreign Patent Documents or Published Foreign Patent Applications							
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	ARR						
	ASS						

Other Documents (include Author, Title, Date, and Place of Publication)		
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